

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; R.D., ON BEHALF
OF HER MINOR CHILD, A.S.; on their own behalf
and on behalf of all others similarly situated;
UPPER MANHATTAN TOGETHER, INC.; and
SOUTH BRONX CHURCHES SPONSORING
COMMITTEE, INC.,

Plaintiffs,

v.

NEW YORK CITY HOUSING AUTHORITY,

Defendant.
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Civ. No. 13-8916 (WHP)

SUPPLEMENTAL DECLARATION
OF BRIAN CLARKE IN FURTHER
OPPOSITION TO PLAINTIFFS'
MOTION TO HOLD NYCHA IN
CONTEMPT FOR VIOLATION OF
THE STIPULATION AND ORDER

BRIAN CLARKE, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am employed by defendant New York City Housing Authority ("NYCHA") in the position of Senior Vice President for Operations. I make this supplemental declaration in further opposition to plaintiffs' motion for an order holding NYCHA in contempt for violation of the Stipulation and Order in the above-captioned matter based on personal knowledge and the books and records of NYCHA.

NextGeneration NYCHA

2. In my June 12, 2015 declaration, among other things, I described *NextGeneration NYCHA*, a long-term strategic plan to stabilize NYCHA and improve residents' quality of life, including the January 2015 launch of the Optimal Property Management Operating Model ("OPMOM") system to empower local property managers at 18 developments to perform budgeting, purchasing and hiring.

3. As part of *NextGeneration NYCHA*, NYCHA has launched “Fix-It-Forward” as a major initiative to overhaul maintenance and repair operations and to advance the NYCHA goal of operating as an efficient and effective landlord. Solutions reform each stage of the repairs process—from enhanced customer service at the front end of a repair request to the execution of repairs at the backend of a request to increase efficiency, decrease wait times and most importantly, enhance customer service. Operation strategies are being piloted at several OPMOM developments and best practices will be assembled to implement across all developments.

4. The strategies of “Real-Time Dispatching” and “MyNYCHA App” are directed towards reducing wait times between repairs and avoiding multiple requests for repairs. Under the dispatching program, which is live at two NYCHA developments (Woodson and Brownsville Houses), NYCHA dispatches staff on work orders as the work is conducted. Dispatching enables real time tracking of worker productivity, enhances communication for logistics and emergency responses and reduces data entry errors. The MyNYCHA App, which can be downloaded free of charge, enables residents to create, submit, view, schedule/reschedule and update inspections and maintenance service requests 24 hours a day-7 days a week. The application is available now to all NYCHA residents.

5. The “One Call” initiative, which is active at all OPMOM developments in the Bronx, allows residents and property managers to schedule all necessary components of a repair project with “One Call”. Complex repair projects typically require multiple components (for example plumbing, carpentry, plastering, and painting) and require an individual work order to be opened for each part of the job, since each task requires a specialized trade and skill. Under “One Call”, all the work is scheduled up-front after the initial maintenance appointment; the resident is informed of all schedule dates for the skill trade repairs at one time.

6. Under the “Real-Time Repairs” initiative, which is currently live at approximately 50 developments, simple repairs, such as smoke detectors, window guards, and minor plumbing repairs, are completed during apartment inspections. “Real-Time Repairs” will be active at all developments by April 2016.

7. Other best practices NYCHA has identified are permitting Property Managers to select candidates to fill vacant positions and utilizing the “flattened” organizational structure of OPMOM. In addition, at Clinton Houses NYCHA staff is performing capital eligible work to systemically identify and repair uncontrolled moisture issues and NYCHA is leveraging the New York City Department of Environmental Protection Toilet Replacement Program to procure new energy efficient toilets at no cost to NYCHA as part of the repairs.

8. Additionally, effective September 28, 2015, Janet Abrahams will be joining NYCHA as Vice President of Operations to oversee OPMOM. Ms. Abrahams is experienced with adapting asset management to public housing and previously worked with the Chicago Housing Authority and the Newark Housing Authority.

9. NYCHA also recently launched *NextGeneration (NextGen) Neighborhoods*, a program to build 50 percent market-rate and 50 percent affordable housing units on underutilized NYCHA land to generate funds that can be used to reinvest in capital needs across NYCHA’s portfolio as well as build more affordable housing. The first two designated *NextGen Neighborhoods* are Wyckoff Gardens in the Boerum Hill neighborhood of Brooklyn and Holmes Towers on the Upper East Side. *NextGen Neighborhoods* ensures a direct benefit to residents at the site of new construction as a significant portion of generated revenue will be reinvested for major repair and improvement projects at Wyckoff and Holmes while the remainder is utilized for

improvements at other developments. Comprehensive community and resident engagement began this month.

Office of Inspector General August 2015 Report

10. In addition, the Office of the Inspector General (“OIG”) for NYCHA issued a report, dated August 27, 2015, to update its December 2014 investigation concerning mold at NYCHA and assess NYCHA’s current mold mediation performance in light of the Stipulation. A copy of the August 27, 2015 report is attached as Exhibit A.

11. In its August 2015 report the OIG additionally recommended that NYCHA: (1) prioritize additional staff training in best practices for mold remediation; (2) create Maximo failure class codes to differentiate emergency floods from minor collected water conditions; (3) expand its resident education campaign concerning mold to help residents identify minor mold conditions that can be safely cleaned by the residents; and (4) continue to seek alternative funding streams for critical capital repairs.

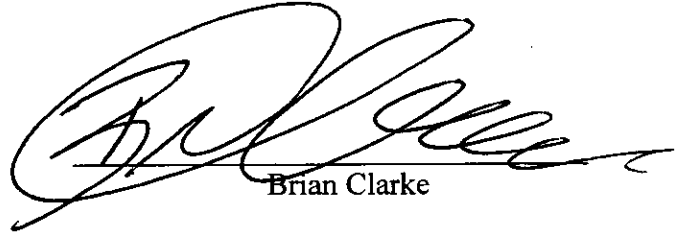
12. NYCHA has accepted these recommendations. In November 2015, NYCHA’s Professional Development and Training Program will launch a new mold and moisture training program which will include training regarding abatement techniques and identifying the root causes of mold. In addition to *NextGen Neighborhoods*, NYCHA is launching the Fund for Public Housing, an independent 501(c)3 nonprofit organization, which will increase investment in NYCHA communities, making them safer, cleaner, and more connected. The Fund is currently recruiting its inaugural Board of Directors and its goal is to raise \$50 million in its first year to invest in NYCHA and its residents.

Addressing the Root Causes of Mold

13. In my June 12, 2015 declaration I also described NYCHA's ongoing actions to address the root causes of mold with funding made available by the Federal Emergency Management Agency ("FEMA") and the City of New York. The approved scope of work under the FEMA grant has been finalized; although FEMA funds have not yet been received, some permanent work has begun using available insurance proceeds. Permanent construction falls under two basic categories: early action work (which consists of construction activities that can be undertaken quickly and do not require significant engineering or architectural design to complete) and full recovery and resiliency work. Early action work includes first floor apartment renovation; boiler demolition, asbestos abatement, and boiler room restoration; and electrical feeder line replacement. In the summer of 2015, permanent construction began at 16 NYCHA developments (15 developments began early action work and 1 development [Lower East Side Rehab 5] began full recovery and resiliency work). First floor apartment renovations have commenced at 12 developments (Astoria, Baruch/Lavenburg, Coney Island Houses, Coney Island I (Site 1B), Gravesend, Hammel, Redfern, Smith, Coney Island I (Site 7), O'Dwyer Gardens, Surfside Gardens, and Ocean Bay Apartments (Bayside); boiler demolition has commenced at 3 developments (Coney Island Houses, Coney Island I (Sites 4&5), and Gravesend); and electrical feeder replacement has commenced at 3 developments (Coney Island Houses, Haber, and Riis II).

14. NYCHA will also be rebidding duct cleaning requirements contracts. NYCHA uses duct cleaning vendors on a case by case basis, most recently at Clinton Houses. Prior bidding of requirement contracts for duct cleaning was not successful; NYCHA will review and revise the scope of services and rebid the work in the 4th quarter of 2015. NYCHA is also looking at opportunities through our Energy and Sustainability Program for ventilation improvement.

Dated: New York, New York
September 23, 2015



Brian Clarke